

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF CORRECTIONS

In the Matter of
Laqundus Laron Tanner

**ORDER ON MOTION
FOR SUMMARY DISPOSITION**

This matter came before Administrative Law Judge Barbara J. Case on the Department of Correction's Motion for Summary Disposition. The Department's Motion was received on December 12, 2013. The Respondent did not respond to the Department's motion. The hearing record closed on December 26, 2013.

STATEMENT OF THE ISSUES

1. Has the Respondent raised a genuine issue of material fact?
2. If not, is the Department entitled to judgment as a matter of law?

ORDER

IT IS HEREBY ORDERED that:

1. The Department's Motion for Summary Disposition is **GRANTED**.
2. The Respondent's appeal is **DISMISSED**.

Dated: January 7, 2014

s/Barbara J. Case

BARBARA J. CASE
Administrative Law Judge

NOTICE

Pursuant to Minn. Stat. § 270A.09, subd. 3, this Order is the final decision in this case. Any person aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63 to 14.69.

MEMORANDUM

Background

To defray costs associated with correctional services, offenders supervised by the Commissioner of Corrections are required to pay supervision fees under Minn. Stat. § 241.272 and DOC Policy 201.013. The Commissioner of Corrections may impose and collect fees from individuals on probation and supervised release at any time while the offender is under sentence or after the sentence has been discharged.¹ The Commissioner is authorized to establish a schedule of fees which must be reasonably related to offenders' abilities to pay and the actual cost of correctional services.² Supervision fees are assessed in the amount of \$300.00 per felony case file.³

Facts

On January 23, 2012, Respondent pled guilty to a felony and was sentenced to a term of 60 months in the custody of the Commissioner of Corrections. Respondent was released to supervision on May 14, 2013.⁴ At that time a supervision fee of \$300.00 was imposed on Respondent. Respondent was notified of the payment requirement by letter, which Respondent signed on May 14, 2013.⁵

Respondent failed to comply with the conditions of his release into the community and his supervised release status was revoked on September 12, 2013.⁶ Pursuant to Department policy, upon revocation of probation and execution of sentence, any outstanding supervision fee is immediately submitted for revenue recapture.⁷ Respondent was advised of the revenue recapture claim and his right to contest the claim by letter dated September 16, 2013.⁸ On or about October 8, 2013 Respondent sent a letter to the Department of Corrections contesting the claim.⁹ On December 12, 2013, the Department scheduled a hearing on this matter and brought a Motion for Summary Disposition.

Legal Standard

Summary disposition is the administrative equivalent of summary judgment. Summary disposition is appropriate where there is no genuine issue as to any material fact and one party is entitled to judgment as a matter of law.¹⁰ The Office of

¹ Minn. Stat. § 241.272, subd. 3.

² Minn. Stat. § 241.272, subd. 2.

³ Ex. 3.

⁴ Ex. 6.

⁵ Ex. 4.

⁶ Ex. 5.

⁷ Ex. 3.

⁸ Ex. 6.

⁹ Ex. 7.

¹⁰ *Sauter v. Sauter*, 70 N.W.2d 351, 353 (Minn. 1995); *Louwegie v. Witco Chemical Corp.*, 378 N.W.2d 63, 66 (Minn. App. 1985); Minn. R. 1400.5500K; Minn. R. Civ. P. 56.03.

Administrative Hearings has generally followed the summary judgment standards developed in judicial courts in considering motions for summary disposition regarding contested case matters.¹¹ A genuine issue is one that is not sham or frivolous. A material fact is a fact whose resolution will affect the result or outcome of the case.¹²

The moving party has the initial burden of showing the absence of a genuine issue concerning any material fact. To successfully resist a motion for summary judgment, the nonmoving party must show that there are specific facts in dispute that have a bearing on the outcome of the case.¹³ When considering a motion for summary judgment, the Court must view the facts in the light most favorable to the non-moving party.¹⁴ All doubts and factual inferences must be resolved against the moving party.¹⁵ If reasonable minds could differ as to the import of the evidence, judgment as a matter of law should not be granted.¹⁶ Summary judgment should only be granted in those instances where there is no dispute of fact and where there exists only one conclusion.¹⁷

Discussion

Respondent wrote two letters to the Department in which he set forth his objections to the Department's claim.¹⁸ Respondent objects to the Department's claim on the basis that, since the United States discontinued backing its currency with gold, claims for cash payment of debts are valueless and illegal. Respondent also objects to the Department's claim on the basis that he is no longer a citizen subject to the laws of the United States but instead is an official of a foreign government. Respondent articulately sets forth a position but the position is not realistic. Paper money is currently legal tender in the United States and Respondent provides no facts to prove that he is not a citizen of the United States. Therefore, Respondent's objections do not raise a genuine issue of material fact. The Department's motion is, therefore, granted.

B. J. C.

¹¹ See, Minn. R. 1400.6600 (2004).

¹² *Illinois Farmers Ins. Co. v. Tapemark Co.*, 273 N.W.2d 630, 634 (Minn. 1978); *Highland Chateau v. Dep't of Public Welfare*, 356 N.W.2d 804, 808 (Minn. App. 1984).

¹³ *Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988); *Hunt v. IBM Mid America Employees Federal*, 384 N.W.2d 853, 855 (Minn. 1986).

¹⁴ *Ostendorf v. Kenyon*, 347 N.W.2d 834 (Minn. App. 1984).

¹⁵ See, e.g., *Thompson v. Campbell*, 845 F.Supp. 665, 672 (D. Minn. 1994); *Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988); *Greaton v. Enich*, 185 N.W.2d 876, 878 (Minn. 1971).

¹⁶ *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250-251 (1986).

¹⁷ *Id.*

¹⁸ Exs. 7 and 9.